UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,456	06/20/2001	Jeffrey D. Washington	5150-48400	6339

35690	7590	09/20/2005

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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-65</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-65</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/02/05</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the Amendment filed on 06/27/05.

2.   Claims 1-65 are pending.

Claim Objections

3.   Claim 60 is objected since it contains a typographical error. "method"

should be replaced with "memory medium".

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

5.   Claims 17-27, 36-47, 60, and 62-65 are rejected under 35 U.S.C. 101

because the "memory medium" as claimed is not limited to tangible medium.

Claim 60, upon correction of the typographical error (cited in section 3

above) would be rejected under 35 U.S.C. 101 because the "memory medium"

as claimed is not limited to tangible medium.

The claimed invention as a whole must accomplish a practical application.

That is, it must produce a "useful, concrete and tangible result." *State Street*, 149

F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before

the invention by the applicant for patent, except that an international application filed under
the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-65 are rejected under 35 U.S.C. 102(e) as being anticipated by

Morganelli et al ("Morganelli", USP 6425120).

        Regarding claims 1 and 17, Morganelli teaches a method for configuring a

node in a graphical program, the method comprising displaying a node in a

graphical program (symbolic representation displayed in designer window 406),

wherein the node is configurable to perform a plurality of operations depending

upon user input specifying configuration information for the node (col 8, lines 42-

50), wherein the graphical program comprises a plurality of interconnected nodes

that visually indicate functionality of the graphical program, and wherein the

graphical program is executable to perform the functionality (Fig. 9), displaying a

graphical user interface (GUI 400) for specifying configuration information for the

node, wherein the GUI comprises information useable in guiding a user in

configuring the node to perform one or more operations from the plurality of

operations (line 46 of col 6 to line 5 of column 7), receiving user input via the GUI

specifying one or more desired operations for the node from the plurality of

operations (col 9, lines 1-16); programmatically generating graphical source code

for the node to implement the one or more desired operations, in response to the

user input (col 6, lines 30-33) (col 8, lines 48-57) .

        Regarding claims 2 and 18, Morganelli teaches programmatically

generating the graphical source code for the node to implement the one or more

desired operations does teaches not including generating graphical source code

corresponding to operations from the plurality of operations that are not among

the one or more desired operations (this teaching is inherent in Morganelli's

system since the program code is being developed in response to graphical

inputs from the user) (col 6, lines 30-33).

Regarding claims 3 and 19, Morganelli teaches programmatically

generating the graphical source code for the node to implement the one or more

desired operations does not include generating graphical source code not

necessary to implement the one or more desired operations (this teaching is

inherent in Morganelli's system since the program code is being developed in

response to graphical inputs from the user)(col 6, lines 30-33).

Regarding claims 4 and 20, Morganelli teaches said programmatically

generating the graphical source code for the node to implement the one or more

desired operations comprises generating a minimal amount of graphical source

code to implement the one or more desired operations (this teaching is inherent

in Morganelli's system since the program code is being developed in response to

graphical inputs from the user)(col 6, lines 30-33).

Regarding claims 5, 21, 37, and 55, Morganelli teaches generating the

graphical source code as a sub-program of the graphical program, wherein the

node represents the sub-program (program code is a sub-program (procedure) of

software program) (col 6, lines 30-33) (col 8, lines 54-57).

Regarding claims 6 and 22, Morganelli teaches replacing the node in the

graphical program with the programmatically generated graphical source code

(col 12, lines 52-65).

Regarding claims 7, 43, and 50, Morganelli teaches receiving user input requesting to change configuration information for the node after said programmatically generating the graphical source code for the node (col 31, lines 25-35); re-displaying the graphical user interface (GUI) in response to the user input requesting to change the configuration information of the node receiving user input via the GUI specifying a second one or more desired operations for the node (col 31, lines 35-45); programmatically replacing the previously generated graphical source code with new graphical source code for the node, wherein the new graphical source code implements the second one or more desired operations (it is inherent in Morganelli's teaching since the system changes configuration, the old source code should be replaced with the new source code) (col 20, lines 25-34).

Regarding claim 8, Morganelli teaches wherein the first one or more desired operations includes a first operation; wherein the second one or more desired operations does not include the first operation, wherein the new graphical source code does not include graphical source code to implement the first operation (inherent).

Regarding claims 9 and 23, Morganelli teaches wherein no functionality is set for the node until after said programmatically generating graphical source code for the node (inherent).

Regarding claims 10, 24, and 46, Morganelli teaches wherein default functionality is set for the node; wherein said programmatically generating graphical source code for the node comprises replacing the default functionality

with functionality implemented by the programmatically generated graphical

source code (col 20, lines 25-34) (col 33, lines 1-17).

Regarding claim 44, Morganelli teaches display the new graphical source

code in place of the previously generated graphical source code (inherent in re-

configuration and editing) (col 20, lines 25-34).

Regarding claims 11, 25, and 47, Morganelli teaches no program

instructions to be executed during execution of the graphical program are

associated with the node until after said programmatically generating graphical

source code for the node (col 21, lines 31-46).

Regarding claim 45, Morganelli teaches wherein no functionality is set for

the node until after the graphical source code is programmatically generated for

the node (inherent).

Regarding claim 12, Morganelli teaches receiving user input requesting to

specify configuration information for the node; wherein said displaying the

graphical user interface (GUI) is performed in response to the user input

requesting to specify configuration information for the node (col 6, lines 34-45).

Regarding claims 13 and 56-57, Morganelli teaches the GUI for specifying

configuration information for the node comprises one or more GUI input panels

wherein the one or more GUI input panels include GUI input controls operable to

receive user input for configuring functionality for the node (line 46 of col 6 to line

5 of col 7).

Regarding claim 14, Morganelli teaches determining the one or more

desired operations for the node based on the user input received by the GUI

input controls (col 8, lines 42-50).

Regarding claims 15 and 26, Morganelli teaches a method for configuring

a node in a graphical program, the method comprising displaying a node in a

graphical program (symbolic representation displayed in designer window 406)

(see Fig. 4B, 4C, 4D), wherein the node is configurable to perform functionality

depending upon user input specifying configuration information for the node (col

- 8, lines 42-50) wherein the graphical program comprises a plurality of

interconnected nodes that visually indicate functionality of the graphical program,

and wherein the graphical program is executable to perform the functionality (Fig.

9); displaying a graphical user interface (GUI 400) for specifying functionality

information for the node wherein the GUI is usable to specify functionality for the

node (line 46 of col 6 to line 5 of col 7), receiving user input via the GUI

specifying desired functionality for the node (col 9, lines 1-16) ; programmatically

generating graphical source code for the node to implement the specified

functionality, in response to the user input (col 6, lines 30-33) (col 8, lines 48-57).

Regarding claims 16 and 27, Morganelli teaches the GUI is useable to

specify first functionality and second functionality for the node; wherein the user

input specifying the desired functionality but does not specify the second

functionality; wherein said programmatically generating the graphical source

code for the node includes programmatically generating graphical source code to

implement the first functionality; wherein said programmatically generating the

graphical source code for the node does not include programmatically generating graphical source code to implement the second functionality (inherent).

Regarding claims 28, 36, and 59, Morganelli teaches displaying the programmatically generated graphical source code in the graphical program (see Fig. 14D).

Regarding claims 29, 38, 49, and 61-63, Morganelli teaches displaying the programmatically generated graphical source code in place of the node in the graphical program (Fig. 9).

Regarding claims 30, 39, and 51, Morganelli teaches receiving user input selecting the node prior to said displaying the node in the graphical program (col 8, lines 42-45).

Regarding claims 31, 40, 52, and 64, Morganelli teaches plurality of interconnected nodes that visually indicate functionality of the graphical source code (Fig. 9).

Regarding claims 32, 41, 53, and 65, Morganelli teaches a plurality of nodes interconnected in one or more of a data flow, control flow, and execution flow format (col 8, lines 42-50).

Regarding claims 33, 42, and 54, Morganelli teaches a plurality of nodes interconnected to indicate data flow among the nodes (col 8, lines 42-50).

Regarding claims 34-35, Morganelli teaches a plurality of nodes interconnected to indicate control flow or execution flow among the nodes (col 8, lines 42-50).

Regarding claims 48, 58, and 60, Morganelli teaches a method for creating a graphical program, the method comprising selecting a graphical program node in response to user input and displaying the graphical program node in a diagram after said selecting (col 8, lines 42-47) wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program, and wherein the graphical program is executable to perform the functionality (Fig. 9); displaying a graphical user interface (GUI) after selecting the graphical program node (col 8, lines 47-63); receiving user input to the GUI configuring desired operation of the graphical program node (col 8, lines 47-63); and programmatically generating graphical source code based on the user input configuring desired operation of the graphical program node (col 6, lines 30-33), wherein the graphical source code is programmatically generated as a sub-program of the graphical program node (program code is a sub-program (procedure) of software program (col 6, lines 30-33) (col 8, lines 54-57).

8.   Applicant's arguments filed on 06/27/05 have been fully considered but they are moot under new ground of rejection.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:
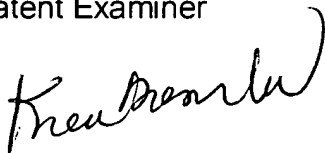
571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

Patent Examiner